

REMARKS/ARGUMENTS

Support for each amended claim is found at the originally filed claims and throughout the originally filed specification. Additionally, support for the amendment to Claim 1 is found, for example, at page 6, lines 29-37, of the originally filed specification. Support for the amendment of Claims 6 and 15-18 is found, for example, at originally filed Claim 14.

Upon entry of the amendment, Claims 1-20 will be active.

No new matter is believed to have been added.

The indefiniteness rejection of Claims 6 and 16-18 is believed to be obviated by amendment of these claims, wherein the term “the alkali metal” has been replaced with the term “the sodium.” Withdrawal of the rejection is respectfully requested.

The obviousness rejection of Claims 1-20 as being unpatentable over Leppard combined with Mann is respectfully traversed, because the references do not describe or suggest all of the features of the present claims, and because the references are not combinable.

Present Claim 1 contains the feature “wherein the activator is selected from the group consisting of aliphatic alcohols having 1 to 10 carbon atoms, aromatic chlorohydrocarbons, aliphatic chlorohydrocarbons, aromatic bromohydrocarbons, aliphatic bromohydrocarbons, and combinations thereof.” This feature is not described or suggested by Leppard or Mann, either alone or in combination.

Leppard, at the Abstract, describes in part that Leppard’s process can be carried out, “where appropriate in the presence of a catalyst [e.g., activator].” Leppard, at column 6, lines 39-44, describes that “Suitable catalysts are aromatic hydrocarbons with or without heteroatoms, such as naphthalene, anthracene, phenanthrene, biphenyl, terphenyl, quaterphenyl, triphenylene, trans-1,2-diphenylethyne, pyrene, perylene, acenaphthalene, decacyclene, quinoline, N-ethylcarbazole, dibenzothiophene or dibenzofuran.”

Applicants respectfully note that none of the suitable catalysts of Leppard are “aliphatic alcohols having 1 to 10 carbon atoms, aromatic chlorohydrocarbons, aliphatic chlorohydrocarbons, aromatic bromohydrocarbons, aliphatic bromohydrocarbons, and combinations thereof,” the activators of present Claim 1.

Further, although the Office has correctly pointed out, at page 4 of the Official Action, that the catalyst of Leppard can be an aromatic hydrocarbon, none of the activators recited in, for example, present Claim 1 are exemplified in Leppard. Accordingly, Leppard does not describe or suggest the activator of, for example, present Claim 1.

Mann does not remedy the deficiency of Leppard, because, for example, Mann does not describe or suggest using a catalyst in Mann's process. Therefore, the combination of Mann and Leppard does not describe or suggest all of the features of present Claim 1, and the claims depending therefrom. Withdrawal of the obviousness rejection is requested on this basis alone.

Applicants further traverse the obviousness rejection because Applicants submit the references are not combinable. Mann is concerned with the preparation of phosphinites and phosphonites (see, for example, the Title of Mann). Leppard is concerned with preparing acylphosphines, Acyl Oxides and Acyl Sulfides (see, for example, the Title of Mann). Because the compounds prepared by the processes of Mann and Leppard are different compound types prepared by different reaction ingredients, Applicants submit that one of ordinary skill in the art would not be motivated to combine the references. Therefore, grafting the sodium particle sizes of Mann onto Leppard, as the Office is attempting to do, is improper. Withdrawal of the obviousness rejection is requested.

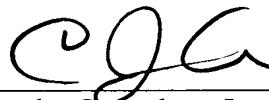
Finally, Applicants respectfully traverse the obviousness rejection because the Office's assertion, found at page 5 of the Official Action, that "With regard to the use of n-butanol it is deemed to be within the purview of the ordinary artesian to modify the activator within a known reaction process. This limitation is deemed to be obvious absent a showing of unexpected results," is incorrect. Applicants note that a reason to combine references, description or suggestion of all claim elements, and expectation of success are basic parts of an obviousness rejection (see MEPE 2143). The Office, in making the above described statement concerning n-butanol, has failed to show how either Mann or Leppard, or any reference for that matter, describes or suggests using n-butanol for an activator. Rather, the Office has merely asserted that from an essentially infinite universe of known chemical compounds, an ordinary artesian would select n-butanol as an activator. The Office has further failed to provide any rationale, absent hindsight provided by the Applicants' discovery, why one of ordinary skill in the art would want to combine n-butanol with the teachings of either Mann or Leppard. Finally, the Office has failed to provide any reason why one of ordinary skill in the art would expect success using n-butanol as an activator.

Withdrawal of the obviousness rejection is requested.

Applicants submit the present application is now in condition for allowance. Early notification to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Charles J. Andres, Jr., Ph.D.
Attorney of Record
Registration No. 57,537

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)